
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES EDWARD O'KEEFE III;

Plaintiff,

-against-

FEDERAL BUREAU OF
INVESTIGATION; and UNITED
STATES OF AMERICA

Defendants.

Case No. 7:20-cv-06146-VB

PLAINTIFF'S RESPONSE TO ORDER
RE: SERVICE OF PROCESS [Doc. 15]

Plaintiff, by and through his attorney of record, responds to the Court's Order of November 30, 2020 (Doc. 15) as follows:

This matter arises out of the Defendants' improper placement of Plaintiff on the National Instant Criminal Background Check gun purchase denial list on the factually wrong and legally improper basis that Plaintiff has been convicted of a felony when in fact Plaintiff has never been convicted of any such crime. Since the filing of this lawsuit, Defendants approved Plaintiff's intended purchase of a single firearm. However, Defendants have not informed Plaintiff as to whether he remains on the firearm denial list and have not approved any of Plaintiff's other intended purchase of any firearm, seemingly indicating Defendants continue to falsely maintain Plaintiff on the denial list. To avoid

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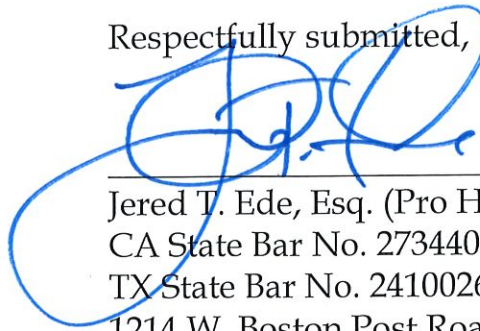
litigation of a potentially moot issue, Plaintiff submitted a Freedom of Information Act request to Defendants seeking to know the reason he was placed on the denial list and whether he remains on the denial list. To date, Defendants have not provided a substantive response and instead have answered that the information request was “overly broad” (it was not). On or around September 23, 2020, Plaintiff filed an appeal of the Defendants’ “overly broad” objection, which such appeal remains pending with the Defendants. As a result of the pending attempt to determine what, if any, parts of this litigation remain ripe (in addition to the possibility that the complaint must be amended to include violations of FOIA), the Defendants have not been served.

Plaintiff is cognizant of and respectful of this Court’s time and apologizes for any inconvenience this has caused the Court. While Plaintiff wishes to continue to provide Defendants time to respond (especially in light of the pandemic’s impact on available workforce to respond to such requests), out of an abundance of caution and respect to this Court, service on the Defendants has been initiated today.

Plaintiff respectfully requests relief from Rule 4(m)’s time limitation for service of process through December 18, 2020 (a roughly 45 day extension of Rule 4(m)’s time limitation for service of process) to allow the service to be

completed and proofs of service to be filed and processed.

Respectfully submitted,



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